

Petition for Informal Administrative Hearing

- Challenges:
 - E. D.'s March 27th Declaration of Emergency and Water Shortage Restrictions (G. B. concurred)

Requests informal administrative hearing, seeking to:

- Reverse policy decision to implement water supply backpumping
- Require GB action prior to future backpumping

Statement of Compliance

(Section 120.569 (2)(c), F.S., & Rule 28- 106.301, F.A.C.)

- Staff recommends denial because:
 - Petitioner must show substantial interests determined by Order
 - Test (1) injury in fact and (2) “zone of interest”
 - Order does not authorize backpumping
 - March backpumping event E.D.’s quasi - executive decision, no hearing rights
 - Disputed facts alleged

Recommended Governing Board Motion:

- Deny the Petition for Informal Administrative Hearing filed by Florida Audubon Society, dba Audubon of Florida, Friends of Lake Okeechobee, and Florida Wildlife Federation for the reasons set forth in staff's Statement of Compliance and strike additional facts presented by Petitioners in response to the Statement of Compliance.

**Department of Environmental
Regulation
Permit No. 50-0679349**

Conditions: II Interim Action Plan (IAP)

B. Suspension of the IAP during emergencies is permitted provided the Department's Southeast Florida District office is notified in advance and written justification is provided to the Department no later than seven (7) days following notification.